

USDOL/OALJ Reporter

*Schweiger v. Westinghouse Public Power Supply System*, 94-ERA-30 (Sec'y Apr. 19, 1995)

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DATE: April 19, 1995  
CASE NO. 94-ERA-30

IN THE MATTER OF

ROBERT SCHWEIGER,

CLAIMANT,

v.

WESTINGHOUSE PUBLIC POWER  
SUPPLY SYSTEM,

EMPLOYER.

BEFORE: THE SECRETARY OF LABOR

FINAL ORDER APPROVING SETTLEMENT  
AND DISMISSING COMPLAINT

This case arises under the employee protection provision of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. § 5851 (1988 and Supp. IV 1992). The parties submitted an Agreed Order Withdrawing Appeals seeking dismissal of the case. The Administrative Law Judge (ALJ), issued a decision on March 27, 1995 recommending that the case be dismissed with prejudice. Since the request for dismissal is based on an agreement entered into by the parties, I must review it to determine whether the terms are fair, adequate and reasonable settlement of the complaint. 42 U.S.C. § 5851(b)(2)(A) (1988). *Macktal v. Secretary of Labor*, 923 F.2d 1150, 1153-54 (5th Cir. 1991); *Thompson v. U.S. Dep't of Labor*, 885 F.2d 551, 556 (9th Cir. 1989); *Fuchko and Yunker v. Georgia Power Co.*, Case Nos. 89-ERA-9, 89-ERA-10, Sec. Order, Mar. 23, 1989, slip op. at 1-2.

I find that the agreement is a fair, adequate and reasonable settlement of the complaint. Accordingly, I APPROVE the agreement and DISMISS THE CASE WITH PREJUDICE.

SO ORDERED.

ROBERT B. REICH  
Secretary of Labor

Washington, D.C.